

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION

RESOLUTION NO. R7-2003-0062

DESIGNATING A HEARING PANEL TO CONDUCT  
ADMINISTRATIVE CIVIL LIABILITY HEARINGS

- WHEREAS, various provisions of the Porter-Cologne Water Quality Control Act (Division 7 of the California Water Code) ("Porter-Cologne") permit or require the Regional Water Quality Control Board, Colorado River Basin Region ("Regional Board") to assess administrative civil liability based on administrative civil liability complaints issued by the Regional Board's Executive Officer; and
- WHEREAS, California Water Code section 13323 requires the Regional Board to hold a hearing on an administrative civil liability complaint within ninety days after the Executive Officer issues the complaint, unless the person who has been issued the complaint waives a hearing; and
- WHEREAS, California Water Code section 13228.14 permits the Regional Board to appoint a hearing panel of three or more Regional Board members to conduct administrative civil liability hearings; and
- WHEREAS, if the Regional Board does not appoint a hearing panel, the full Regional Board must conduct the hearing at a noticed meeting at which a quorum of the Regional Board is present; and
- WHEREAS, a quorum of the Regional Board consists of five Board members; and
- WHEREAS, the Regional Board currently only has five Board members; and
- WHEREAS, the Regional Board finds that it is advisable to have the ability to conduct administrative civil liability hearings within the timeframes required by section 13323 in the event a quorum is not present at a regularly scheduled Regional Board meeting.

NOW THEREFORE BE IT RESOLVED, that:

1. The Regional Board appoints Mr. Gary Johnson, Ms. Nancy Wright and Mr. Leon Lesicka to serve on a standing hearing panel that is hereby created to conduct hearings on administrative civil liability complaints.
2. The hearing panel may conduct hearings in conjunction with regularly scheduled meetings of the full Regional Board, or at special hearings convened for the purpose of hearing one or more administrative civil liability complaints, provided that the Regional Board satisfies all notice and other requirements of the Bagley-Keene Open Meeting Act (California Government Code section 11120 et seq.) and California Water Code section 13228.14.
3. The hearing panel shall not conduct any administrative civil liability hearing unless all three panel members are present.
4. Following a panel hearing, the panel shall report its proposed decision and order to the Regional Board and shall supply a copy to all parties who appeared at the hearing and requested a copy.

5. The Regional Board shall consider the panel's recommendation at the next Regional Board meeting at which a quorum is present. Panel members may sit as members of the Regional Board in deciding the matter. The Regional Board shall make an independent review of the record and take additional evidence as necessary. No party who appears before the panel is precluded from appearing at the Regional Board meeting. The Regional Board may adopt, revise or reject the proposed decision and order of the panel.

This resolution was adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, at its regular meeting on May 7, 2003.

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PHIL GRUENBERG  
Executive Officer

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Date